

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

October 16, 2017

Present: M. Carr, Chairman, J. Gibney, T. Bodden, J. Lippmann, P. Ragucci  
K. Semon, M. Tanner

Also

Attending: K. Corcoran, Town Planner, A. Briscoe, Asst. Building Inspector,  
M. Cuevas, Attorney, L. Walkuski, Stenographer

Absent:

Meeting called to order at 7:04 PM

**Motion** to approve the Agenda

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

**Motion** to approve minutes from the September 11, 2017 meeting

**Moved by:** K. Semon

**Seconded by:** J. Gibney

**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

**James Lawrence  
Snake Hill Road**

**Minor (2-lot) Subdivision  
(Final) – Public Hearing**

This proposal calls for the creation of a 5.21-acre residential building lot from a 96-acre parcel. The proposed lot is located on the south side of Snake Hill Road, immediately west of the power lines. The property is zoned *Rural Residential/Agricultural*.

James Lawrence, the applicant, was present.

M. Carr asked the applicant if he met the condition to provide documentation to the Town regarding his intent with the remaining land parcel (i.e. his commitment to not re-subdivide his property for at least another 18 months).

J. Lawrence said he provided a note to K. Corcoran, Town Planner.

K. Corcoran said he was satisfied with Mr. Lawrence's note.

M. Carr said there were no other issues with this application.

M. Carr opened the public hearing.

Tom Siatkowski, 84 Snake Hill Road, asked where the applicant is planning on building. He has concerns about the grade of the road and the number of vehicles that wind up in the ditch. He addressed the Commission to see if something could be done to correct the problem, i.e. installation of guard rails.

Mr. Lawrence responded that the building will take place between the Shaffer house and the power lines.

M. Carr stated Mr. Siatkowski could bring his concerns to Schenectady County since Snake Hill Road is a county road. It was suggested that Mr. Siatkowski contact the Town's Highway Superintendent as he should be able to provide a contact name at the County for assistance in this matter.

J. Gibney noted that the proposed driveway was moved farther west away from the curve of Snake Hill Road.

C. Shaffer, Snake Hill Road, inquired as to the proximity of the driveway to Mr. Shaffer's property.

With some discussion it was determined that the driveway is approximately 100 feet from Mr. Shaffer's property line. It was also mentioned that Mr. Shaffer has a dirt road along his property which he had used as an exit. He stated that whoever is building on the parcel should consider moving the driveway so when exiting the driveway, they would have a clear view of Snake Hill Road to avoid a possible accident.

With no other comments from the floor the public hearing was closed.

## MOTION

In the matter of the final minor subdivision application by James Lawrence for a two-lot subdivision located at Snake Hill Road, the PZC hereby approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.
- The lots' and street(s)' relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee.

However, due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.00

## MOTION

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

**Top Dog Enterprises, LLC**  
**267 Saratoga Road**

## **Conceptual Site Plan**

This agenda item is a conceptual site plan for the conversion of the residence at 267 Saratoga Road into a real estate office. Two new parking spaces, a handicapped access ramp and a monument sign are included with this proposal. It appears that an area variance will be required for insufficient 25' front yard buffer from Surrey Road for the two new proposed parking spaces, at least. The project site is located on the northwest corner of Route 50 and Surrey Road, and is zoned Community Business.

Ted DeLucia, Vision Planning Consultants, represented the applicant.

Mr. DeLucia gave a quick overview of the project. He indicated the applicant has purchased the single family house located on the property for their real estate company, 518 Realty, with the intent to convert the house into a real estate office. Mr. DeLucia noted the additional parking spaces and pavement that would be added. He also indicated the real estate offices would be located on the first floor with the second floor scheduled to be used as storage space for paper products, etc. The current plan will allow the storm water flow to continue to the current catch basin. The exterior of the building will remain mostly as is except for some additional landscaping. In the future, they would like to add a small pylon sign to help identify the business.

J. Gibney asked if they have the proper setback since they are backing up to a residential area. If not, a variance will be needed.

K. Corcoran stated the building itself should not need a variance since there will not be any new construction. The variance will be needed for the two new proposed parking spaces. It is presumed the existing parking spaces are grandfathered in.

M. Carr noted the parking will be off of Surrey Road and not Route 50.

A discussion took place regarding the parking spaces both existing and proposed. They are not extending further west with the parking spaces. A 25 foot setback is required by code between the road and parking. The two new spaces do not meet this requirement nor do the existing spaces.

M. Cuevas, Attorney, stated the issue here is while it was zoned Commercial Business the use was residential and now it is being switched to a commercial use that adjoins a residential use. The side setback and parking lot buffer from the side lot line will be needed in addition to a front yard setback.

Another discussion took place regarding the closeness of the neighbor's house.

M. Carr inquired as to how much traffic will they be expecting at their business.

Jamie Mattison, one of the applicants, responded that there would be very little traffic as the location is intended to handle the underwriting of their business.

M. Carr asked how many employees and number of cars will be at the location.

J. Mattison replied there will be 2-4 employees and 2 vehicles daily.

S. Sbardella, the second applicant, stated there may be one administrative assistant.

T. Bodden asked if the sign will be on Route 50.

T. DeLucia responded yes, the sign would be on the Route 50 side of the property.

T. Bodden asked if this concept had been reviewed at all.

K. Corcoran stated Terri Petricca, Code Enforcement Officer, had not yet seen it, but Planning did look it over. The parking was a concern initially because it was going to be located in the right-of-way itself and there were too many parking spaces proposed. The number of parking spaces has been addressed. The remaining question is whether there is a variance needed for all the parking spaces or just the two new ones. Consideration also needs to address whether there is adequate buffering on the west side of the building and parking area.

M. Carr said if variances are needed the applicant will need to appear before the ZBA.

K. Semon asked if the applicants have spoken to the neighbor to the west.

S. Sbardella said he said spoken to her multiple times. He said they won't be using the house that much. He was comparing what they are doing to the business located at 265 Saratoga Road.

M. Carr explained that the issue is there will be a commercial venue located next to a residential area and there is a framework that the Commission needs to follow.

T. Bodden asked what hours will the business be opened and will anyone be there after hours or on weekends?

J. Mattison said the hours are 9:00AM – 5:00PM. He indicated that it is possible to have an occasional meeting outside of normal business hours, but the intent is to have the area used for administrative use and/or contract preparation.

S. Sbardella stated this project is very similar to the one they have in Colonie and they have not had any issues with the adjacent neighbors there.

M. Tanner inquired if there were going to be any exterior renovations or improvements.

T. DeLucia responded there are no major plans for any exterior work other than landscaping.

A discussion took place with regard to the storm water and the current catch basin. Although only a concept at this time, there has not been any investigation into whether or not any storm water issues currently exist at this location.

Another discussion took place as to why this application was placed on the agenda as a conceptual review. It was placed on as a concept to see if the PZC was in agreement with the type of use being proposed. The Commission's concern is the property was formerly residential, and it is now zoned commercial, and it abuts an adjacent residential property. How does the Town address this and the other properties in that area that are in the same type of situation?

M. Cuevas referred to the Aldi project where the property had the zone change, but still had the residential use, therefore the buffer applies. It is the use of the property rather than the zoning that determines the buffer. In this case, it's the reverse situation, but the rules would apply because now it is changing to commercial use. With the garage being considered an accessory structure, being part of the

commercial use, and with the driveway running through the property there needs to be consideration of a buffer between the residential use and the new commercial use.

K. Semon inquired if the garage was going to be used.

T. DeLucia said the garage will be used for the business.

M. Carr said the applicant will need to receive ZBA approval for any variances, the signage on Route 50 will need to meet appropriate zoning standards, and any storm water issue would need to be addressed.

T. Bodden stated he hoped the ZBA would take into consideration the intensity of use will be very low.

M. Carr reiterated for the applicant that they will need to submit a formal preliminary site plan and appear before the ZBA and obtain the appropriate variances. Typically, the PZC would prefer for the variances to be obtained before appearing before the PZC.

**Matt Sames for Pet Lodge/Checkerhill Farm  
53 Freemans Bridge Road**

**Conditional Use Permit  
Recommendation to the  
Zoning Board of Appeals**

The applicant is requesting to install a 98' x 12.5' outdoor dog "yard area" along the south side of the building, adjacent to Sarnowski Drive. The yard area would be enclosed by a solid 6 foot-tall PVC fence. This request also includes installation of a dumpster enclosure and 6 foot-tall PVC fence to the rear (west side) of the building. The dog yard area requires an area variance for insufficient setback (35' minimum setback required, no setback being provided). The property is zoned General Business.

Keith Meyers, District Manager, represented the applicant.

K. Meyers stated the applicant wants to increase the size of the dog daycare program to mirror what they have already done on the north side of the building that faces Subway. This addition would take place on the south side of the building along Sarnowski Drive. It will be fully enclosed with a white solid fence that would block any view from Sarnowski Drive/Trustco Bank. There is currently an existing outside yard along the north side and rear of the building. The intention is to increase the dog daycare program by approximately 25 dogs over the next year.

M. Carr asked Arnold Briscoe, Asst. Building Inspector, if there have been any complaints regarding dogs barking, etc.

A. Briscoe responded there have been no complaints.

K. Semon asked if the fence line will follow the property line.

K. Meyers said yes, it will follow the property line. Mr. Meyers also indicated the dumpsters, previously located on the corner of the property, have been moved to behind the building and will also be enclosed by the white fencing.

T. Bodden asked what is located immediately outside of this new area.

K. Meyers replied it is an old side parking area with broken asphalt.

J. Lippmann asked if the applicant is going right up to the road or will there be a buffer.

K. Meyers said there will be a buffer. He indicated he has spoken to someone in the Highway Department and they requested that it be far enough off the road so there would be room for snow removal.

J. Lippmann asked if they have considered rehabilitating the area and removing the broken asphalt.

K. Meyers replied the area will be completely enclosed and pea stone will be laid down for drainage.

J. Lippmann inquired specifically about the area from the edge of pavement from Sarnowski Drive and the fence.

M. Carr said that is not their property, its probably the Town's right of way.

A discussion took place about the area between the fence line and the pavement of Sarnowski Drive. It was suggested to have it cleaned up allowing for some green space in order to beautify the area.

M. Carr asked if a 6 foot high fence is sufficient enough to prevent dogs from escaping.

K. Meyers said it would be sufficient.

P. Ragucci asked about the size of the sign.

K. Meyers said the existing sign is not going to change only what is going on the sign.

## MOTION

In the matter of the conditional use permit application by Matt Sames of Pet Ledge/Checkerhill Farm located at 53 Freemans Bridge Road to establish a 98' x 12.5' outdoor dog "yard area" along the south side of the building, the PZC recommends that the Zoning Board of Appeals approve the application with conditions.

The Commission's findings in support of our recommendation are as follows:

1. The establishment/operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The conditional use will not compromise the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values within the neighborhood.

3. The conditional use will not hinder the normal and orderly development and improvement of surrounding properties.
4. The proposal does provide adequate utilities, access roads, drainage, and other necessary facilities to serve the conditional use.
5. The proposal does provide adequate measure for ingress and egress to the site, in such a manner as to minimize traffic congestion in the public streets.
6. The conditional use does, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, as well as the Town of Glenville Comprehensive Plan.

Recommended conditions of approval:

1. Work with the Town to address and clean-up/beautify the broken asphalt area between the proposed fence and pavement of Sarnowski Drive.

**MOTION**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

With no further business the meeting was adjourned at 7:50 PM

Submitted by:

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Lynn Walkuski, Stenographer

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Linda C. Neals, Town Clerk